

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

DAVID TYLER MOSS AND
BRANDON KEATING

Plaintiffs,

Vs.

**MARKO PRINCIP,
Individually, MARKO
PRINCIP d/b/a
VIDEOGAMES YOUTUBE
CHANNEL, MARKO
PRINCIP
d/b/a ACHIEVEMENT
GUIDE, MARKO PRINCIP
d/b/a GAME GUIDE, LLC,
VIDEOGAMES YOUTUBE
CHANNEL,
AND BRIAN MARTIN**

Defendants.

**CIVIL ACTION NO.
3:14-CV-03088-M
(JURY)**

DECLARATION OF ZACK JAMES

I, Zack James, state as follows:

1. My name is Zack James. I am over the age of 21; am competent to make this Declaration, and have never been convicted of a felony or a crime of moral turpitude. I have personal knowledge regarding the matters set forth in this Declaration.

2. I have known Brandon G. Keating for a few years and have known of Brian Martin for at least five (5) years.

3. Brandon G. Keating informed me on or about April 1, 2016, that he prevailed in a lawsuit against Brian Martin. I was curious about Brian Martin's

reaction to this development, so I visited his Twitter page for his Twitter handle @FuturisticHub. I then saw and took a picture (i.e., screenshot) of the following tweet (i.e., Twitter message) by Brian Martin (@FuturisticHub):



4. VG is a shorthand reference for the VideoGames YouTube Channel. When I saw the above tweet, I immediately contacted Brandon G. Keating and sent him the picture/screenshot of the tweet because I knew that it could be very damaging to the VideoGames YouTube Channel and brand.

5. Uploading pornography to the VideoGames YouTube Channel would violate the YouTube Community Guidelines

(<http://www.youtube.com/yt/policyandsafety/communityguidelines.html?noapp=1>).

6. Indeed, those guidelines state: “YouTube is not for pornography or sexually explicit content. If this describes your video, even if it's a video of yourself, don't post it on YouTube. Also, be advised that we work closely with law enforcement and we report child exploitation.” Violations of the YouTube Community Guidelines could lead to the channel being terminated.

7. Moreover, a large number of the channel's viewers and content creators/directors are minors, and asking for and soliciting pornography from them is not a prudent practice for a reputable YouTube channel. In point of fact, the YouTube Community Guidelines confirm that the channel could draw negative attention and reaction from law enforcement for child exploitation for conduct such as Brian Martin's/FuturisticHub's.

This Declaration was executed on April 2, 2016.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.


Zach James